

RESOLUTION OF THE TRANSPORTATION PERMIT EFFICIENCY AND
ACCOUNTABILITY COMMITTEE (TPEAC)
October 10, 2001

TPEAC ENDORSEMENT OF THE DISPUTE RESOLUTION PROCESS	TPEAC RESOLUTION NUMBER <u> 2 </u>
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Dispute Resolution Process

BACKGROUND

The intent of the Permit Streamlining effort is to develop innovative ways to improve the process of permitting, and timely adoption of streamlined processes is critical. In the conduct of work toward meeting the objectives of the Act, the regular participants at the committee, sub-committee or project level should resolve disputes, if at all possible, at that level. In the event that disputes cannot be resolved at that level, a dispute resolution process shall be adopted. Generally speaking, formal dispute resolution should be limited to critical matters that impair the ability of the committee, sub-committee or project to move forward. Disputes can be resolved to accomplish several purposes. Surfacing issues and referring them to higher authority should be seen as a good thing, not as a failure. Some issues must be elevated to get resolution – to bring to bear on the issue policy perspective, command over resources, broad agency perspectives, and fresh eyes.

The process shall be reviewed and revised as necessary.

Based on previous experience in resolving disputes associated with transportation projects, it is recommended by the participating agencies that the parties in question consider the following:

1. Recognize the urgency of getting to decisions, and invoke the dispute resolution process in a timely manner and move through the process in a timely manner.
2. The parties in dispute shall make efforts early on in the dispute to assess the nature of the dispute, the interests at stake, whether a precedent is set, and the scale of the impact.
3. There are thresholds of disputes that warrant elevation within the informal resolution steps:
 - a. It is expected at steps 1-2 that issues of agreement on terms, information, domains of expertise, and personal conflicts shall be resolved.
 - b. It is expected that interpretations of agency policy, procedure, or legal mandates are resolved between Steps 2-3.

- c. Disputes involving agency jurisdiction, insufficient resources failure to deliver or fulfill a commitment, fundamental disagreement on mission and mandate, or agency cultural conflict are more likely to need elevation to steps 3-6.

DISPUTE RESOLUTION PROCESS

Wherever possible the following steps will be followed to resolve such disputes.

Informal Steps

Step 1. Issues of dispute will be discussed in the regular committee, sub-committee or project process.

Step 2. If a dispute arises which cannot be resolved in the regular process any individual may request that the parties to the dispute and their managers meet separately. Parties to the dispute will hold this meeting. If there is no reasonable resolution after two meetings or one month, then proceed to Step 3.

Step 3. If the separate meeting does not result in resolution any party and their manager may request a 3rd party not involved in the dispute to act as a mediator at a subsequent meeting. That third party must be a member of TPEAC, but not the Chairman. If there is no reasonable resolution after two meetings or one additional month, then proceed to Step 4.

Formal Steps

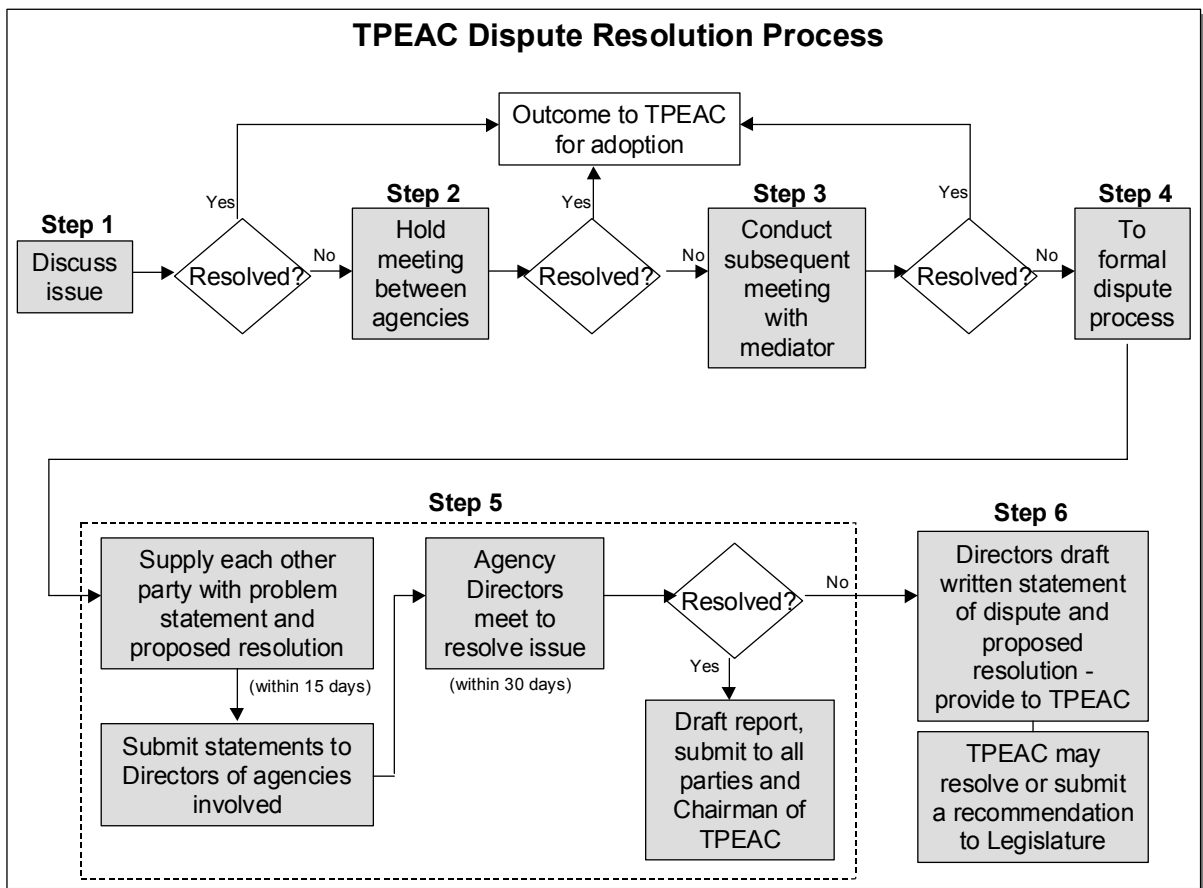
Step 4. If mediation is unsuccessful any party to the dispute along with any other party to the dispute or with the mediator or the Chairman of TPEAC may initiate a formal dispute resolution process. It requires at least two parties.

Step 5. Once initiated, the parties in dispute will supply each other with written statements of the problem and their proposed resolution. This must be completed within 15 working days. These statements shall be forwarded to the Directors of the agencies involved and the Directors or their designee shall meet to resolve the issue. This meeting shall occur within 30 working days. A report of that resolution shall be drafted and submitted to all parties to the dispute and to the Chairman of TPEAC for the record. If any of the parties do not respond within the 30 day timeframe, the TPEAC may take action to resolve the dispute if it is within its jurisdiction or it may submit a recommendation about the matter to the Legislature.

Step 6. If the Directors are unable to resolve the dispute, each shall provide a written statement of the dispute and his/her proposed resolution of the matter to TPEAC. The TPEAC may take action to resolve the dispute if it is within its jurisdiction or it may submit a recommendation about the matter to the Legislature.

It should be noted that after step 3, any party may draft a minority report to TPEAC whether the dispute resolution goes forward or not.

DIAGRAM OF PROCESS



ADOPTED by the TPEAC (October 10, 2001).

Senator Dan Swecker, Committee Chairman